

**DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee**

SECOM-D-372

15 September 1978

MEMORANDUM FOR: All Members, DCI Security Committee

STAT

FROM:

Executive Secretary

SUBJECT:

DCID 1/14 Adjudication Policy and Guidance

1. Prior to the last SECOM meeting, you were provided with a copy of the proposed DCID 1/14 Adjudication Policy and Guidance as approved by the Investigative Standards Working Group.

2. As you will recall, each member was requested to advise the Security Committee staff of any desired changes. This has been accomplished and all suggested changes have been incorporated in the attached revised draft.

3. It is suggested that you be prepared to vote on adoption of this procedure at the September meeting.

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Attachment:
- Revised DCID 1/14 Draft

DCID 1/14 ADJUDICATION POLICY AND GUIDANCE

DIRECTOR OF CENTRAL INTELLIGENCE

SECURITY COMMITTEE

DCID 1/14 Adjudication Policy and Guidance

General: The purpose of the DCID 1/14 SCI adjudication process is to examine a sufficient period of the nominee's life to make a determination or reasonable judgment that he/she is not now, nor likely to become, an unacceptable security risk. It is important to understand that SCI access adjudication cannot be a mechanical function. Rather, it is one involving many human factors or what has been referred to as the "whole person" concept. The time aspect or recency of the adverse information along with all the circumstances pertaining thereto is vitally important in arriving at a fair and uniform evaluation. Key factors to be considered in the adjudication process are the maturity and responsibility of the individual; if an individual was mature and presumably responsible at the time certain acts or violations were committed, disapproval is more likely than if the same acts or violations were committed while a youth. Each case must be judged on its own merits.

Adjudication Actions: The adjudication of the information developed by investigation on a subject's loyalty and suitability will be performed by analysts of broad knowledge, sound judgment, and wide experience in security and counter-intelligence. Adjudicators will evaluate all pertinent information, considering personnel security standards, investigative requirements, and the protection of the national interest. When all other information developed on the subject is favorable, a minor investigative deficiency or the development of insignificant derogatory information will not prevent favorable adjudication. Nevertheless, any doubt concerning individuals gaining access to SCI will be resolved in favor of national security.

SCI Personnel Security Adjudication Philosophy and Guidance: Determining whether an individual meets the personnel security standards is frequently a matter of discreet judgment. It is reiterated that each case must be judged on its own merits. The following categories portray application of the personnel security approval criteria.

FOREIGN RELATIVES AND ASSOCIATES

1. DCID 1/14 sets forth in some detail personnel security standards concerning foreign relatives, including procedures for obtaining any exceptions to these standards. The SCI adjudicator must be familiar with same and the applicable waiver requirements.
2. When a candidate for SCI access has members of his/her immediate family or personal associates who are not citizens of the United States or whose loyalty or affection is to a foreign country, close scrutiny is required. Access is usually authorized in such cases when the interests of the foreign country involved are not hostile to the United States and a "compelling need" exists. When any family member is a citizen of a Communist controlled country or other country whose interests are considered inimical to the U.S., the subject is generally disapproved for access unless it can be clearly demonstrated that the family members are not close to the nominee and that the probability of duress is nil.
3. Appropriate National Agency and/or indices checks will be conducted on all non-United States citizen relatives and close associates. A recommendation for disapproval of access is appropriate if either there is an indication that such relatives or contacts are associated with any foreign intelligence service or if there is any close association with relatives or associates residing in, or nationals of, a country whose interests are considered inimical to those of the United States.
4. When a member of a candidate's immediate family is a citizen or resident of a country whose interests are not hostile to the United States and there is a "compelling need" for the services of this candidate and the background investigation is otherwise favorable, a waiver of DCID 1/14 standards is usually granted. However, extra attention is required if a subject's immediate family or associates are nationals of or reside in a Communist controlled country or other country whose interests are considered inimical to the United States. In such cases, it is necessary to ascertain as much information as possible about the extent of such association to include the frequency of personal contact or correspondence, etc.

5. SIOs will develop procedures to ensure that all personnel under thier cognizance are aware that marriage to a non-U.S. citizen could present an unacceptable security risk and could negate SCI eligibility. When a subject files an intent to marry a non-U.S. citizen, it is the responsibility of the SIO to advise the applicant of the possible security consequences. If the subject marries, his/her access will be suspended until the case is re-evaluated, unless an appropriate investigation as required by Paragraph 11.L of the basic directive was conducted with favorable results based on the data provided by the subject when he/she filed his/her intention to marry. If a "compelling need" exists, re-evaluation must be conducted to determine if the subject's access to SCI would compromise security thereby influencing the decision to terminate or reinstate access.

HOMOSEXUALITY, IMMORAL OR INFAMOUS CONDUCT

1. DCID 1/14 requires that individuals considered for SCI access must "be stable, of excellent character and discretion and unquestioned loyalty to the United States." E.O. 10450 which established the current security requirements for government employment refers to "any criminal, infamous, dishonest, immoral or notoriously disgraceful conduct.....or sexual perversion." E.O 10865 which relates to the granting of industrial security clearances refers to "any criminal or dishonest conduct, or sexual perversion."

2. Homosexuality probably presents the most easily defined category in this area. If the facts in the case deal with an admitted or proven homosexual, the subject is ineligible for SCI access. However, the facts in most cases very seldom are that clear cut, but deal with allegations or even admissions of one or more homosexual acts in the past. In assessing this information, one must consider both the frequency and recency of such acts and the circumstances under which they were performed. If, in the final analysis of all the facts bearing on the matter, it is felt that the alleged or admitted acts constitute an emotional proclivity that signal the possibility of similar or more serious acts in the future that would constitute a vulnerability or does now constitute an unacceptable security risk, one should recommend disapproval of SCI access. It may be highly desirable to obtain a psychiatric/medical evaluation to support the overall adjudication recommendation.

3. Cohabitation with a member of the opposite sex, in and of itself, is not a bar and does not constitute a basis for a recommendation for security disapproval. However, the identity of the cohabitant must be ascertained and then a determination must be made if such association constitutes an unacceptable security problem. Certainly this would be the case if the cohabitant is an alien.

4. Over the years, there have been various interpretations of what constitutes infamous and/or immoral conduct. It is submitted that to attempt to define same now is

really irrelevant. The important thing is that the acts or conduct in question be sufficiently identified and then such conduct be weighed against the criteria set forth above. The determining factor will be a judgment of whether such conduct or acts constitute an unacceptable security risk or vulnerability. If that judgment is made, then you should recommend denial of SCI access.

UNTRUTHFULNESS AND OTHER CHARACTER TRAITS

1. The following guidelines, while primarily concentrating on the matter of untruthfulness or dishonesty as those terms are generally understood, are applicable to all other character traits or weaknesses, not individually treated in these guidelines, that have, or could have, security/suitability implications. Sound judgment and discretion must be exercised in these matters as in all issues that are primarily of a suitability nature.

2. In cases involving untruthfulness or dishonesty, we are primarily concerned with establishing the apparent or actual intent of the subject as it reflects on his/her integrity and character. In those cases where deliberate fraud, impersonation, collusion, or failure or refusal to provide full and complete information is involved, the task of the adjudicator is simplified. However, even in the latter case, one must consider all the circumstances and the subject's motives.

3. If, for example, the subject has tried to obscure pertinent, significant facts by falsifying data on his/her personal history statement (by either omission or false entry), one is obliged to weigh such information heavily against granting access. For instance, if a subject failed to disclose on a personal history statement, or in an interview, derogatory information such as a court martial or serious crime, the omission of such serious data would certainly appear intentional and, consequently, disqualify the subject for access.

4. On the other hand, the omission of an insignificant detail or a slight embellishment to enhance the subject's image would not, in and of themselves, warrant denial without additional indicators portraying a person of questionable integrity. For example, exaggerations of salary or job duties are not infrequent occurrences which, while not to be condoned, do not indicate that the subject is untrustworthy. They are areas to be explored in the investigation but should not affect an adjudication decision without additional evidence of undesirable character traits.

5. The adjudicator is faced with a more difficult problem if, in the course of the investigation, informants described the subject as a chronic liar with no other details or corroboration. The informants may well be biased against the subject for some reason. If the coverage of the investigation has been satisfactory in your opinion and there is no other derogatory information in the case, the subject may be prone to exaggerate his/her exploits for some reason or other, but such information would normally not support a recommendation of disapproval. Admittedly, this alleged untruthfulness bears on subject's character and discretion, but additional information is needed to make an adverse recommendation in the case.

6. There are often several references who do not recommend a subject for a position of trust but who cannot or do not list reasons for this refusal or, at least, are not specific. It is often apparent that such references merely dislike the subject and often describe him/her in a derogatory manner. This type of case is one of the most difficult to adjudicate fairly. In such instances, the best course usually is to request additional investigation in order to determine beyond doubt that there is no pertinent disqualifying reason for the informants' unfavorable opinion of the subject.

FINANCIAL IRRESPONSIBILITY

1. Like so many security/suitability issues relating to weaknesses of character or lack of discretion, there is little guidance concerning this matter for adjudicators in official policy statements. DCID 1/14 does not make any reference, per se, to our concern in this area, which many believe to be one of the major considerations in adjudications for SCI access. Notwithstanding the foregoing, we are all aware of cases where persons have engaged in espionage for money. Admittedly, there are usually other basic character defects in such cases, but there is always the possibility that these may not be surfaced by other investigative coverage.

2. Disapprovals because of debts or unfavorable credit usually result when, through a pattern of financial irresponsibility, it is apparent that the subject has not made a conscientious effort to satisfy his creditors. When processing the case of an individual considered financially irresponsible or the case of an individual with a history of financial difficulties, it may be desirable to have the individual complete a personal financial statement before final adjudication. When the subject has long-standing debts, investigations frequently reveal that the subject is often unaware of the debts or that the obligations are not legally valid. For example, a credit or personal reference may claim that the subject has been financially indebted to him for a number of years. However, an interview may disclose that the subject was never notified of the debt.

3. As indicated above, evidence of an unfavorable credit record or financial irresponsibility is usually associated with other evidence of general irresponsibility. When such a situation exists, the evidence of financial irresponsibility will be supportive of a recommendation for denial of access to SCI. The adjudicator is faced with a more serious decision when the only derogatory information available is a record of financial irresponsibility. Under these circumstances, the case normally may be reopened for additional investigative coverage or the matter can be resolved in an interview with the subject.

ALCOHOL ABUSE

1. In deciding whether an individual who uses alcoholic beverages should be granted access, the adjudicator should look for a pattern of impropriety. Generally, an individual with one drinking incident on his record may still be considered eligible for access to SCI, depending on the seriousness and the recency of the incident. Cases may occur where one incident is of such magnitude as to warrant disapproval. When there have been incidents of unacceptable behavior because of inebriation, a statement of current behavior and drinking habits from the subject's supervisor or SIO shall be obtained.

2. Alcohol abuse has often been equated with drug abuse. It is believed that this is unfortunate because alcohol abuse, in and of itself, is not illegal as are most forms of drug abuse today. This statement is not made to minimize in any way the security implications of alcohol abuse. However, it is believed that we should all be aware of the difference between the two.

3. If it is determined that the subject recognizes that he/she has an alcohol problem and is seeking help, then the best course of action may be to recommend delaying access approval until we can take another look in a year or so at his/her progress instead of recommending a disapproval outright. In the absence of conclusive evidence, it may be highly desirable to obtain a medical evaluation to determine the extent of alcohol abuse.

4. In looking at the alcohol problem, it is essential that we determine the extent of use. How much does subject consume in a given time frame? What type of alcoholic beverages are involved? When and where are they used, daily or weekends, etc.?

5. To continue, the adjudicator must also consider the following in an attempt to determine the pattern of the impropriety or alleged impropriety involved. What effect does drinking have on subject? Does subject drink until intoxicated? Does such drinking cause absences from work? Does subject become talkative, abusive, etc.? Has there been a noticeable decline in the quantity or quality of his work? Have subject's co-workers complained about same?

6. If any of the foregoing exists, make sure all applicable police checks have been made. Has the subject been arrested for any acts resulting from alcohol use?

7. After considering all the evidence (it is important to consider the question of whether it comes from multiple sources and the nature of such sources), one is faced with the problem of making a judgment as to whether such action constitutes a vulnerability that should result in a recommendation for disapproval of access. But what if one is still in doubt because, for example, an allegation of "heavy drinking" has not been corroborated by other sources. In such situations, it may be appropriate to recommend approval with a warning at the time of indoctrination that future incidents of excessive use of alcohol will result in subject being debriefed for SCI access. Also, the scheduling of a reinvestigation after one year to monitor this potential problem may be advisable.

DRUG POLICY

1. These guidelines apply to the improper use of those hallucinogens, narcotics, drugs and other materials and chemical compounds identified and listed in The Controlled Substance Act of 1970, as amended.

2. Improper use of the foregoing includes the unlawful possession, transport, transfer, sale, cultivation, processing, manufacturing and use of such drugs and substances. The use of prescribed medication for other than the intended purpose is considered an improper use of a controlled substance.

3. Each case of admitted or alleged use of drugs or other controlled substances will be judged on its own merits taking into consideration the substance used, the frequency, recency and the extent and circumstances surrounding said use.

4. Multiple use of such substances including the use of "hard drugs," or the use of "hard drugs" alone, unless there is credible evidence of mitigating circumstances, should normally result in a recommendation for disapproval of SCI access.

5. It is important to distinguish between the experimental use of drugs and the habitual use which would constitute drug abuse. The distinction admittedly is often hard to make and unfortunately cannot be reduced to a calculation of the number of instances where a substance like marijuana was used -- instead all of the above factors as set forth in Paragraph 3 must be utilized in making this judgment. However, once the judgment is made that the subject is a habitual user (or drug abuser, if preferred) then, unless there are strong and sufficient mitigating factors present, one has little alternative in the matter but to recommend the disapproval of SCI access.

6. One of the mitigating factors referred to above is evidence that the subject has been informed about the Intelligence Community's drug policy of total abstention and he has agreed to abide by same and the circumstances of his past use indicate that the subject can and probably will abide by that commitment. On the other hand, if there is evidence in the case that the subject has made a similar commitment in the past and has not honored same, then one should recommend disapproval of SCI access.

EMOTIONAL AND MENTAL DISORDERS

1. DCID 1/14 requires that persons considered for access to SCI be "stable, of excellent character and discretion" but is silent on emotional and mental disorders. It is obvious, however, that such disorders are pertinent to an adjudication of one's stability, at the very least, and also may affect one's character and discretion. Note that E.O. 10450, which is the basis for the current government security program, refers to any behavior or activities tending to show that the individual is not reliable.

2. It is essential that we obtain as much detailed and complete information as possible when an allegation is obtained in this area. The subject should be interviewed in order to get clarifying data regarding his/her condition and any details of previous treatment, including the identity of the psychiatrist or psychologist involved. The subject should be asked in such cases to execute a specific release authorizing access to such information. If the psychiatrist/psychologist refuses to provide the requested data, it still may be possible to obtain a professional opinion of the security implications involved through medical channels.

3. If the subject is currently suffering from psychosis (fundamental mental derangement - as paranoia - characterized by defective or lost contact with reality) in almost all cases, he/she will be disqualified for access. Psychiatric opinion may be obtained that would indicate in less severe cases that the subject would not be an unacceptable security risk and could safely be given access to classified information.

4. If we are dealing with neurosis (functional nervous disorder) or an emotional problem, it is again essential that we obtain as much information bearing on the problem or allegation as possible. Has the subject been treated for the problem? If so, where and by whom? Was the doctor interviewed? Are we dealing with a chronic or temporary problem? How did

the problem surface - complaints by co-workers - testimony of a reference which may have been biased or based on a limited or casual observation? Was the information corroborated by other sources or other evidence such as extended absences from work - domestic problems, etc.? The condition may well have been temporary and of no serious current security concern. For instance, it may have resulted from some temporary situation such as a death, illness, past financial problems, etc.

5. As in other similar medical suitability problems that have security implications, if you have reason to believe that a subject's emotional stability is a temporary condition, it may be advisable to recommend that we delay taking further action on the request for access and recheck the situation at a later date - this precludes a security disapproval for what may be a temporary condition which would, when cured, have no lasting security implications.

6. When directed by appropriate authority, military and civilian personnel are required to report for a psychiatric/medical evaluation. The subject is not required to answer questions which may tend to incriminate him/her. Individuals declining medical and/or psychiatric evaluation will not be indoctrinated or re-indoctrinated for SCI.

SUBJECT'S RECORD OF LAW VIOLATIONS

Although DCID 1/14 doesn't mention criminal conduct per se, it does require that a candidate for access be "stable, of excellent character and discretion." Executive Order 10450 does, however, establish the following criteria which are quoted from Section b thereof as follows:

- (i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.
- (iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction or sexual perversion.
- (v) Any facts which furnish reason to believe that the individual may be subject to coercion, influence, or pressure which may cause him/her to act contrary to the best interests of the national security.

Definitions

1. Felony - for the purpose of making a security/suitability determination, the word felony means any criminal offense which carries a prison term exceeding one year (a year and a day is sufficient). In the absence of detailed knowledge of the statute involved, a sentence of a year and a day or over will suffice.

2. Misdemeanor - for the purpose of making a security/suitability determination, the word misdemeanor is a lesser offense not classified as a felony as described above.

3. Criminal Justice Agency - The terminology currently used in state and federal privacy legislation which describes a law enforcement agency - like the FBI. A non-criminal justice agency such as CIA, is entitled to receive only "criminal history record information" from certain designated record sources, limited for the most part to only that arrest information that resulted in a conviction. The IC is,

nevertheless, interested in arrest data that does not lead to a conviction and can collect and maintain such information in its records on employment applicants and in access determination cases because such information has a bearing on a person's fitness or suitability for such employment or access. As you are aware, many persons arrested for serious crimes are not brought to trial because of the disappearance of witnesses or an unwillingness on their part to testify, or of those concerned to prosecute.

General Adjudication Guidelines

1. Each case involving arrests for/or criminal activity will be considered on its individual merits taking into account such matters as the nature and seriousness of the offense, the circumstances under which it occurred, how long ago it occurred, whether the offense was an isolated one or a repeated violation of the law, the offender's age at the time, social conditions which may have a bearing on same, and any evidence of rehabilitation.

2. Any conviction for a serious felony will normally support a recommendation for disapproval unless the crime was committed many years prior and the subject has shown evidence of rehabilitation and the investigation is otherwise clear of derogatory information. A large number of minor offenses could indicate irresponsibility and may support an adverse recommendation.

3. Sex crime arrests weigh heavily against approval no matter how long ago they were committed; however, again, all other data would have to be considered and the facts of the case may justify an approval. Arrests for homosexual conduct, sex acts against minors, and rape would, in almost all cases, result in disapproval.

4. Information on juvenile offenses are not normally released to us. When it is available, it is very seldom disqualifying, depending on the age of the subject at the time and the other circumstances as set forth above. Such acts are usually attributed to immaturity rather than lack of judgment and/or good character.

LOYALTY

1. Loyalty cases fall into two categories -- those in which the loyalty of the subject is questioned and those in which the loyalty of the subject's family or associates is involved.

a. When extensive investigation fails to prove or disprove allegations that the subject is either disloyal or favors some form of totalitarian cause or ideology, the final determination must be made on the basis of information available. If the allegations are serious and can be neither proved or disproved, the subject's access is usually disapproved in the interest of national security.

b. Usually no additional investigative pursuit will prove or disprove allegations that a member of a subject's immediate family is either disloyal or favors some totalitarian cause or ideology. The key factor to be considered is the degree of contact and/or influence that such family members have or can reasonably be expected to have with respect to our subject. If the relationship is remote and it is reasonable to assume that the family member has no influence over the subject, approval is normally given. Conversely, should the family member be the mother or father, and the nominee is relatively young, disapproval is ordinarily the case. The degree of influence that the family or associates have or may have over the individual is the pivotal point. (See Foreign Relatives and Associates. In most situations involving relatives/close associates residing in, or nationals of, a country hostile to the U.S., a recommendation for disapproval will be appropriate based solely on such foreign connections if there is evidence that would indicate that the relative could influence or reasonably be expected to influence the subject or place him/her under physical, mental or other form of duress or coercion. In such situations, it will not be necessary to consider the loyalty issues).

SECURITY VIOLATIONS

Most security violations are caused by carelessness or ignorance with no intention of compromising security. However, the record of an individual responsible for two or more violations should be scrutinized. The subject's current attitude toward security should be confirmed with his supervisor. Even where no ulterior motive is apparent, a pattern of violations is ordinarily cause for disapproval.